

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 15 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO APPROVING THE FINAL DEVELOPMENT
PLAN FOR PLANNED UNIT DEVELOPMENT FOR
MINTURN NORTH

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, the Town is authorized by the Home Rule Charter and Section 31-23-301, C.R.S., to enact zoning and land use regulations; and

WHEREAS, Chapter 16, Zoning, of the Code regulates zoning and land use within the Town; and

WHEREAS, the purpose of Chapter 16 is to encourage the most appropriate use of land, to preserve and promote the Town’s economy, heritage and small-town qualities, and it is designed to promote the health, safety, welfare and convenience of the citizens; and

WHEREAS, Sec. 16-15-10 - Purposes and general provisions, of the Code establishes the purpose of the Planned Unit Development (“PUD”) Overlay Zone District which is to allow flexibility for landowners to creatively plan for the overall development of their land and to achieve the purpose and objectives of the Code and the Community Plan; and

WHEREAS, Sec. 16-15-20 - Authority, of the Code, states that the PUD Overlay Zone District is adopted pursuant to Section 24-67-101, et seq., C.R.S., the Planned Unit Development Act of 1972; and

WHEREAS, Sec. Sec. 16-15-20 - Authority, of the Code, provides that the Town staff and the Planning Commission (“Commission”) shall have the authority to recommend and the Town Council shall have the authority to impose such conditions on a PUD as are necessary to accomplish the purpose of this Code and the Community Plan; and

WHEREAS, the Minturn North Preliminary Development Plan (“Preliminary Plan”) was approved by Resolution No. 19, Series 2023; and

WHEREAS, the Town received a Final PUD Development Plan Application (“Final Plan”) from the Applicant on or about September 28, 2023; and

WHEREAS, the Final Plan allows for the development of 39 dwelling units consisting of 33 single family residences on Lots 1-33, which shall have a deed restriction requiring a 1% transfer assessment paid to the Town of Minturn by any non-permanent resident Buyer, and six

Permanent Resident Housing homes on Lots 34-39, which shall be subject to a deed restriction on occupancy of such lots; and

WHEREAS, Town of Minturn Staff (“Staff”) has determined that the Final Plan conforms with the Town’s applicable standards and that the Applicant has successfully addressed any conditions of approval contained in Resolution No. 19, Series 2023; and

WHEREAS, finds that the Final Plan conforms with the Town’s standards; and

WHEREAS, the Town Council finds it is necessary and proper to approve the Minturn North Final PUD Development Plan.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. The Council finds that the Minturn North Final PUD Development Plan meets all applicable requirements and standards contained in MMC §§ 16-15-10 *et seq.*

SECTION 3. That the Minturn North Final PUD Development Plan is hereby approved subject to the following conditions:

1. The Applicant shall provide, and the Town of Minturn shall review and approve additional flood, mudflow, and/or debris flow hazards evaluation(s), report(s) and/or studies prepared by a professional geotechnical engineer licensed in the State of Colorado and specifically related to the Game Creek Drainage and associated alluvial fan areas occurring within the Minturn North PUD boundaries. Such evaluation(s), report(s) and/or studies shall specifically evaluate and assess the risk of potential flood, mudflow, and/or debris flow events, as well as the efficacy of proposed mitigation design and construction. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer; and any revisions to proposed mitigations shall be designed and submitted for review and approval by the Town and/or its consultants prior to the recording of the UPRR Subdivision Final Plat and/or the Minturn North PUD Subdivision Final Plat.
2. The Applicant shall work with the Town Engineer and Town Attorney to revise and update PUD documents (CC&Rs) and/or agreements to permit the Town of Minturn, as an authorized contractor, to access to repair critical offsite drainage facilities in emergency situations.
3. The Applicant shall provide 100% construction level plans and cost estimates for County Road 14/the extension of Minturn Road within one year and constructed within three years of final plat approval.
4. The Applicant shall provide CDOT Notice to Proceed and complete construction offsite improvements within 3 years of final plat approval.
5. Provide final designs and cost estimates for the Eco Trails Game Creek bridge within one year and constructed within three years of final plat approval.

6. Provide all necessary Army Corps of Engineers wetland permitting prior to commencement of construction of the EcoTrail Game Creek Bridge.
7. The Applicant shall provide evidence of final approval and ability to serve from the Eagle River Water and Sanitation District prior to recordation of the Minturn North PUD Final Subdivision Plat.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE ____ DAY OF _____ 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE ____ DAY OF _____ 2023 AT ____ p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS ____ DAY OF _____ 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

